

# FINAL BILL REPORT

## SSB 5388

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Synopsis as Enacted

**Brief Description:** Concerning the disclosure of any known damage and repair to a new motor vehicle by motor vehicle dealers.

**Sponsors:** Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Parlette, Murray, Swecker, Carrell, King, Tom, Kohl-Welles and Franklin).

**Senate Committee on Labor, Commerce & Consumer Protection**  
**House Committee on Commerce & Labor**

**Background:** The practices of dealers and manufacturers are regulated by 46.70 RCW. Within this chapter, a number of practices by dealers and manufacturers are determined to be unlawful, for which the penalty is a misdemeanor. A civil action for any of the violations may be brought in superior court to seek an injunction, and recover actual damages and costs of the litigation, including reasonable attorneys' fees. Violations are also a violation of the Consumer Protection Act.

**Summary:** Any known damage and repair to a new motor vehicle must be disclosed in writing by the manufacturer to the dealer, dealer-to-dealer, and dealer to buyer. This only applies to damage that exceeds \$1,000 or 5 percent of the Manufacturer's Suggested Retail Price (MSRP), whichever is greater.

However, a manufacturer or new motor vehicle dealer is not required to disclose to the dealer or buyer that glass, tires, bumpers, or cosmetic parts of a new motor vehicle were damaged if the damaged item has been replaced with original or comparable equipment.

"Cosmetic parts" means parts that are attached by and can be replaced in total through the use of screws, bolts, or other fasteners without the use of welding or thermal cutting, and includes windshields, bumpers, hoods, or trim panels.

If a disclosure is not required, a buyer may not revoke or rescind a sales contract due to the fact that the new motor vehicle was damaged and repaired before completion of the sale.

**Votes on Final Passage:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Senate 46 0  
House 97 0

**Effective:** July 26, 2009